IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(Crl.).No. 294 of 2007(S)

PETITIONER:

VINESHKUMAR P.V., S/O T.R.VISWANATHAN,
AGED 25 YEARS, RESIDING AT 'PLAKATTU HOUSE',
VELLARAPPILLY SOUTH P.O., SREEMOOLANAGARAM,
ALUVA-683580.

BY ADV. SRI.K.R.AVINASH

RESPONDENTS:
---

1. P.A.ABBAS, PUTHENPURAYIL HOUSE,
   MADRASA LANE, ALUVA.

2. SAFIYA, W/O P.A.ABBAS,
   PUTHENPURAYIL HOUSE,
   MADRASA LANE, ALUVA.

3. THE SUPERINTENDENT OF POLICE,
   ALUVA.

4. THE CIRCLE INSPECTOR OF POLICE,
   ALUVA.

R3 & R4 BY GOVT. PLEADER SRI C.M.KAMMAPPU
R1 & R2 BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF MARRIAGE CERTIFICATE DTD. 14/9/2007.

EXT.P2 TRUE COPY OF PHOTOGRAPHS TAKEN AT THE TIME OF MARRIAGE.

EXT.P3 TRUE COPY OF THE CERTIFICATE DTD. 14/9/2007 EVIDENCING THE CONVERSION OF THE DETENUE FROM ISLAM TO HINDUISM.

EXT.P4 TRUE COPY OF THE RECEIPT DTD. 1/12/07 SHOWING PAYMENT OF FEE FOR THE REGISTRATION OF THE MARRIAGE.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P.(Crl)NO.294 OF 2007

Dated this the 17th day of December, 2007

JUDGMENT

Raman, J.

Petitioner alleges that Lekha, who is the alleged detenue in this case, is his wife and the eldest daughter of respondents 1 and 2. According to him, he and the alleged detenue married on 14/9/2007 according to the custom of the petitioner in a Temple. He has produced Ext.P1 certificate of marriage issued by the Temple authorities. He has also produced Ext.P2 said to have been taken at the marriage ceremony. Petitioner belonged to Hindu religion whereas the alleged detenue belonged to Muslim community. Petitioner is aged 25 years and the alleged detenue is aged 24 years. The alleged detenue, Lekha, was working in M/s. HCL Technologies at Chjennai as a Software Engineer and she was taken by her parents against her wishes and she is unable to meet the petitioner and to attend her employment.

2. Pursuant to the notice issued, parties appeared before us. We interacted with the petitioner, the alleged detenue-Lekha, her parents (respondents 1 and 2) and also the Uncle of the petitioner.

2. The alleged detenue Lekha stated before us that she is a major, she has attained the age of 24 years and her date of birth is 12/12/1983. She was working at Chennai from where her parents took her to the parental home. She admits that the petitioner is her husband. Since the alleged detenu Lekha is a major, well educated and is working as Software Engineer, there is no reason to disbelieve her statement. She also stated that she wants to go along with the petitioner. In the facts and circumstances of the case, she is set free.

3. The Government Pleader will see that the petitioner and the alleged detenue reached their destination and necessary police protection is directed to be given to them. In view of the above circumstances, we direct that the amount deposited before this Court towards costs is allowed to be withdrawn by the petitioner through his counsel.

Writ Petition is closed.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.